

## **REMARKS**

Applicants hereby fully respond to the March 21, 2002 Office Action. Claims 1-16 remain pending.

### **Specification**

The Office Action indicates that the Substitute Specification filed December 6, 2001 and received by the Patent and Trademark Office on January 2, 2002 has not been entered because it does not conform with 37 C.F.R. 1.125(b). Particularly, the Action states first that Applicant did not provide a statement that no new matter was entered by the Substitute Specification, and second because of the addition of new matter into the specification and drawings. Applicants respectfully request reconsideration and entry of the Substitute Specification as filed, since both the statement was made and no new matter has been entered.

Page 1 of Applicants December 6, 2001 Amendment clearly states "Applicants respectfully submit that the Substitute Specification and amendments contained therein do not introduce any new matter". This clearly satisfies that requirement under 37 C.F.R. 1.125(b).

The Action states that new matter has been introduced by cross sectional views of the bench (Figs. 6 and 7) and the view of the table "having the support members depending angularly from one side of the table".

New Figs. 6 and 7 were added to incorporate the circular and elliptical nature of the

support members. Support for the drawings is found in the original claims. Fig. 5 shows the sinusoidal pattern of original Claim 3, while Figs. 6 and 7 illustrate, respectively, the circular and elliptical nature of the support members as claimed in original Claims 4 and 5. Thus, the application provides clear support for the new drawing Figs. 6 and 7. It is improper and unfair to object to the drawings for failing to show each claimed element, and then to reject new drawings showing the element for introducing new matter. Applicants respectfully request entry of new Figs. 6 and 7.

Applicants note with appreciation that no objection has been raised with respect to new Fig. 8.

New Fig. 9 depicts a table according to the invention. The original specification, at page 6, lines 17-19, discloses a number of furniture items, including tables, can be made according to the invention. Fig. 9 merely illustrates such a table which is claimed by added Claim 12.

Reconsideration and entry of the substitute specification is, therefore, respectfully requested.

### **Drawings**

Drawings are objected to under 37 C.F.R. 1.183(a) as alluded to above. Specifically, the drawings are rejected for failing to show every feature of the invention specified in the claims. Particularly, the “supporting members forming an elliptical or a substantially circular shape and the plurality of rib units forming a table” are not shown in the drawings, since the

proposed drawing changes have not been accepted. Applicants respectfully submit, in light of the discussion above that the newly added drawings do not add new matter, and therefore should be entered into the official file. The Office Action states “the original disclosure does not support the showing of the cross sectional views of Fig. 2 and a table ‘having the support members depending angularly from one side of the table’”.

New Figs. 6 and 7 are cross sectional views of Fig. 2, showing the embodiment wherein the support members form an elliptical or circular pattern. This pattern is most clearly illustrated at the point where the support member touches the surface upon which the furniture rest. Original Fig. 4 shows a similar view, wherein the support members form a sinusoidal pattern at the point where they meet the surface. Because it may be somewhat difficult to appreciate this pattern in the view of Fig. 4, Applicants opted to show Figs. 6 and 7 in cross section, thereby eliminating the presence of the seating surface. Thus, Figs. 6 and 7 show only the support members to clearly illustrate the pattern formed thereby. Accordingly, Applicants respectfully submit that no new matter has been added. Entry of the drawing figures is respectfully requested.

With regard to the table “having the support members depending angularly from one side of the table”, Applicants respectfully submit that each drawing figure clearly establishes that the support members depend angularly from one side of the furniture piece, whether that be a bench, chair or table. This is clearly seen in original Fig. 1 and Fig. 3. Thus, there is clear support for support members depending angularly from one side of the furniture. Also,

as discussed above, adequate support for a table according to the invention is clearly found in the specification as originally filed. Accordingly, Applicants respectfully request withdrawal of objections to the drawings, and entry of the substitute drawings filed on December 6, 2001.

### **Claim Rejection**

Incidentally, Applicants note that the Examiner has noted twice on page 2 of the Office Action that “the support members depend angularly from one side of the” furniture piece. Applicants respectfully submit that in doing so, the Examiner has noted an important feature of the invention. The claims have been amended to clarify that in each rib unit, the support member is found on the same side of the furniture piece (i.e., the front as shown in the drawing) consistently throughout the furniture piece and from rib to rib. The piece is adequately supported by altering the angular displacement of the support member with respect to the first functional surface (seat). This angular relationship is clearly shown in original Figs. 1 and 3. Amended Fig. 3 merely emphasizes the presence of the existing angular relationship.

With that in mind, we now address the merits of the rejections. Claims 1, 3-7, 10-11 and 16 stand rejected under 35 U.S.C. § 102 as anticipated by Aginar. As discussed above, the independent claims have been amended to point out that the support member emanates from the same side of the furniture piece, consistently from rib to rib. In contrast, Aginar ‘473 teaches a furniture piece having a plurality of ribs, each having only one support

member, where the support member emanates alternately from rib to rib from opposite sides of the piece. Thus, the furniture piece of Aginar has support members emanating from both front and rear of the furniture piece. This is markedly different from the claimed invention. Aginar simply does not teach the invention as claimed. Withdrawal of the 35 U.S.C. § 102 rejection is respectfully requested.

Claims 1-6, 9-12 and 16 stand rejected 35 U.S.C. § 102(b) as being anticipated by Thebaud. Thebaud '288 teaches a single support member extended arcuately from front to rear of the functional surface of the furniture piece. Thus, Thebaud '288 teaches a single support which emanates from both front and rear of each rib member. Accordingly, Thebaud does not teach a single support member emanating from only one side of each rib member. Therefore, Applicants respectfully request withdrawal of the anticipation rejection based on Thebaud '288.

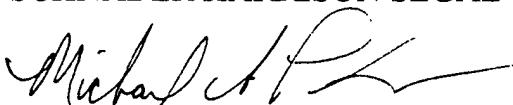
Claim 1-5, 7, 10-11 and 13-16 stand rejected under 35 U.S.C. § 102(b) as anticipated by Draxler '558. While at first blush, it appears that Draxler '558, Fig. 2 is quite similar to the claimed invention, Applicants notes several differences in the Draxler device. First, Fig. 2 shows only the upholstery sections that are applied to an underlying frame member. The the upholstery sections of Fig. 2, can not stand by themselves. Even if they could, Applicants respectfully submit that the support member emanating from the front surface of the seat, is identically angularly displaced from the seat member in each adjacent upholstery rib. Thus, the varying angular displacement of the claimed invention required for adequate support of

the seating surface and its load, is not shown by Draxler, Fig. 2. The actual structure of the Draxler device is shown clearly in Figs. 3-5. Fig. 3 clearly shows that the support structure includes two support members, both front and rear. Accordingly, Applicants respectfully submit that Draxler '558 does not anticipate the claimed invention. Withdrawal of the rejection is respectfully requested.

Claim 8 and 9 are rejected under 35 U.S.C. § 103 as being obvious independently over Aginar and Draxler. Claims 8 and 9 are drawn toward the material used to make the rib units. The arguments stated above with regard to Aginar and Draxler apply equally well in the obviousness setting. Neither reference teaches or suggest a furniture piece made up of a plurality of rib sections, each rib section having a single support member angularly displaced from one side thereof consistently from rib to rib.

Applicants respectfully submit that all pending claims are clearly allowable over the prior art of record. Accordingly, early reconsideration and allowance of all pending claims is respectfully requested. If the Examiner believes an interview either telephonic or personal, would facilitate allowance of the case, he is respectfully requested to contact Applicant's undersigned attorney.

Respectfully submitted,  
SCHNADER HARRISON SEGAL & LEWIS, LLP



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